

**REMARKS**

Claims 1-9 are pending in this application. By this Amendment, claim 1 is amended. No new matter is added. Reconsideration of this application is respectfully requested.

Applicants thank the Examiner for the indication that claims 3 and 6-9 contain allowable subject matter. These claims are not rewritten in independent form, because it is believed that the base claims from which they depend are allowable as discussed below.

**I. Double Patenting Rejection**

The Office Action rejects claims 1-2 and 4-5 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,636,537 to Takada ("Takada") in view of U.S. Patent No. 5, 764,662 to Pinto ("Pinto"). This rejection is respectfully traversed.

The Office Action asserts that claims 1, 4 and 7 of Takada contain all the limitations recited in the claims except for the limitations concerning a rotatable reflection mirror. However, the Office Action asserts that the limitations concerning a rotatable reflection mirror are disclosed in Fig. 1 of Pinto. This interpretation of Pinto is incorrect.

Independent claim 1 recites, *inter alia*, "**a rotatable reflection mirror** placed so that a perpendicular line or a normal line to a reflection surface of the rotatable reflection mirror is **inclined at a predetermined angle with respect to a resonance optical axis of the laser medium,**" and a "rotating unit, having a rotating axis made coaxial with or parallel to the resonance optical axis, which rotates the rotatable reflection mirror about the rotating axis so that **the rotatable reflection mirror is disposed changeably between a first position and a second position and the predetermined inclined angle of the perpendicular line or the normal line to the reflection surface with respect to the resonance optical axis is constant**" (emphasis added). Support for this feature may be found throughout the original

specification and drawings. For example, specific support may be found at least at page 1, lines 14-26; page 7, line 20 through page 8, line 20; and page 14, lines 5 through page 15, line 5. Pinto does not disclose or suggest such a feature.

Pinto, at col. 1, lines 58-63, and Fig. 1, discloses an ultraviolet laser 11 for generating an ultraviolet in the spectral range between 223 nm and 243 nm by mixing output of a  $\text{Ce}^{3+}:\text{LiCAF}$  crystal laser with the 1064 nm radiation from a Nd:YAG pump laser in a BBO nonlinear crystal. For example, in Pinto, a high reflector end mirror 13 is used in combination with a prism 33. The high reflector end mirror 13 is rotated about an axis perpendicular to the optical axis by a rotating means 35 in order to selectively take light of a desired wavelength from a wide wavelength region. However, nowhere does Pinto disclose or suggest that the rotating unit is configured to maintain a "**predetermined inclined angle of the perpendicular line or the normal line to the reflection surface with respect to the resonance optical axis is constant**," as recited in the claims.

Accordingly, it is respectfully submitted that claim 1 is patentably distinguishable over the applied art. Claims 2 and 4-5 depend from independent claim 1 and are likewise patentably distinguishable over the applied art for at least their dependence on allowable base claim 1, as well as for additional features they recite. Withdrawal of this rejection is respectfully requested.

## II. §103 Rejection

The Office Action rejects claims 1-2 and 4-5 under 35 U.S.C. §103(a) over Takada in view of Pinto. This rejection is respectfully traversed.

For reasons addressed above, Pinto does not disclose or suggest that the rotating unit is configured to maintain a "**predetermined inclined angle of the perpendicular line or the**

**normal line to the reflection surface with respect to the resonance optical axis is constant,**" as recited in claim 1.

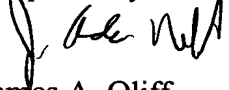
Accordingly, for at least the reasons addressed above, it is respectfully submitted that claim 1 is patentably distinguishable over the applied art. Claims 2 and 4-5 depend from independent claim 1 and are likewise patentably distinguishable over the applied art for at least their dependence on allowable base claim 1, as well as for additional features they recite. Withdrawal of this rejection is respectfully requested.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
James A. Oliff  
Registration No. 27,075

J. Adam Neff  
Registration No. 41,218

JAO:JMH

Attachment:  
Petition for Extension of Time

Date: March 13, 2006

OLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, Virginia 22320  
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--